REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. §1.104 and §1.112, and in light of the following remarks, are respectfully requested.

Claims 1-15 are amended herein, there having been no rejection under 35 U.S.C. §112 of claims 5-7 and 11-15. Claims 5 and 11-15 have been amended to place them in proper dependent form. Further, the amendments to claims 2-5 and 7-15 are NOT further limiting.

Claims 1-4 and 8-10 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention, which rejection is respectfully traversed. The rejection alleges that it is unclear whether the pressure sensor and orientation sensor are one and the same, or separate. Respectfully, this does not make the claim indefinite, but simply broader than it would be if the number of sensors were to be recited in the claim. Additionally, the terms "means of" and "in particular" have been removed and the passive language has been changed to proper method claim terminology, WITHOUT further limiting the claims. With regard to claim 10, it has been amended to depend on claim 9, thereby providing proper antecedent basis for "the motion sensing unit."

Claims 1 and 6 have been rejected under 35 U.S.C. §102(e) as being anticipated by Ota et al. (US), which rejection is respectfully traversed. Ota discloses a pulsewave sensor and an inclination sensor electrically connected via an A/D converter with a main processing unit. However, unlike the present invention, Ota has a manual switch 7 that must be turned on before blood pressure measurement begins and after the inclination has been detected. This requires movement on the part of the user after arriving at the corrected position for pressing switch 7, which could cause movement requiring additional repositioning. As presently claimed, the instant application provides for automatic switching, which Ota clearly fails to disclose.

Claims 1 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Ota et al. (Japan), which rejection is respectfully traversed. Ota discloses a pulsewave sensor and an inclination sensor electrically connected via an A/D converter with a main processing unit. However, unlike the present invention, Ota has a manual switch 7 that must be turned on before blood pressure measurement begins and after the inclination has been detected. This requires movement on the part of the user after arriving at the corrected position for pressing switch 7, which could cause movement requiring additional repositioning. As presently claimed, the instant application provides for automatic switching, which Ota clearly fails to disclose.

Claims 2, 3, 7, and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ota et al. (US or Japan) in view of Claxton III et al., which rejection is respectfully traversed. As discussed above, neither Ota reference discloses the automatic evaluation presently claimed in the instant invention. Claxton fails to compensate for the limitations of the Ota references. Additionally, Claxton fails to disclose compensating for the orientation of the limb (claims 2 & 7), as well as the angular position or inclination (claims 3 & 8).

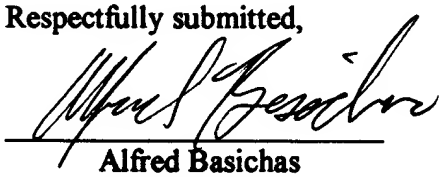
Claims 4, 9, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ota et al. (US or Japan) in view of Claxton III et al. as applied to claims 2, 3, 7, and 8 above, and further in view of Odagiri, which rejection is respectfully traversed. As discussed above, the combination of Ota et al. (US or Japan) in view of Claxton III et al. fails to disclose the claimed invention. Odagiri fails to compensate for the limitations of this combination.

Attached hereto is a marked version of the amended claims to show changes made by the current amendment. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES"**

Applicant respectfully requests that the Examiner acknowledge receipt of the priority document filed in this application on June 26, 2000.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Reconsideration and allowance of the claims is respectfully solicited.

Respectfully submitted,



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Dated: February 6, 2002

Enc: Marked reproduction of the amended original claims.

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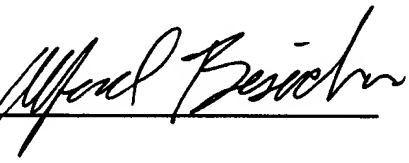
DATE: February 6, 2002

NAME: Alfred Basichas **SIGNATURE:**



VERSION WITH MARKINGS TO SHOW CHANGES

1. (Amended) A method of determining [the] blood pressure, comprising the steps of: providing [in which] a pressure sensor; providing an orientation sensing unit; applying said pressure sensor and said orientation sensing unit [is applied] to an individual's limb to detect the blood pressure prevailing in said limb and [also] the orientation of said limb [by means of an orientation sensing unit (5) provided in a housing of a blood pressure measuring device, characterized in that]; and wherein the orientation sensing unit [(5)] delivers an electrical signal responsive to the detected orientation of the limb, and [that] further providing an evaluating unit for automatically evaluating the blood pressure in response to said electrical signal [is further processed].

2. (Amended) The method as claimed in claim 1, [characterized in that]further comprising the step of [the detected blood pressure is corrected in an evaluating unit (4)]and correcting the detected blood pressure in response to the detected orientation of the individual's limb.

3. (Amended) The method as claimed in claim 1, [characterized in that]further comprising the steps of providing [the angular position (u) of the individual's limb, in particular the forearm, is detected by means of] an inclination sensor for detecting the angular position of the individual's limb [(5)], and [that]

correcting the detected blood pressure [is corrected] in response to said angular position.

4. (Amended) The method as claimed in claim 1 or 2, [characterized in that] further comprising the steps of providing a motion sensor, [in particular speed or acceleration,] detecting the motion of the individual's limb [is detected] while the pressure is being sensed, and [that] correcting the detected blood pressure [is corrected] in response to said motion[, in particular speed or acceleration of said limb].

5. (Amended) The method as claimed in [at least one of the preceding] claim[s] 1, [characterized in that] further comprising the steps of providing [a readout provided via] a display device [by user interaction provides] with a feedback indicative of whether the measurement position is in a correct angular range of the limb from which the measurement is taken, and/or the [readout] feedback causes the user, by interaction, to adopt the correct position for measurement.

6. (Amended) A blood pressure measuring device comprising a pressure sensor for generating a pressure signal, an application unit for applying the pressure sensor to an individual's limb, [and] an evaluating unit for evaluating the pressure signal, [with] an orientation sensing unit [(5) being] provided in the

interior of a housing of the blood pressure measuring device for detecting the limb's orientation, [characterized in that the orientation sensing unit (5) is capable of] and delivering[, for further processing,] an electrical signal, responsive to the limb's orientation, to the evaluating unit for automatically evaluating the blood pressure.

7. (Amended) The blood pressure measuring device as claimed in claim 6, [characterized in that]wherein the evaluating unit [(4)] comprises a correcting unit for correcting the pressure signal in response to the detected orientation.

8. (Amended) The blood pressure measuring device as claimed in claim [5]6, [characterized in that]wherein the orientation sensing unit comprises an inclination sensor [(5)] which detects the inclination of the individual's limb to which the pressure sensor [(2)] is applied.

9. (Amended) The blood pressure measuring device as claimed in claim [5 or] 6, [characterized in that]wherein a motion sensing unit [(5)] for detecting a motion[, in particular a speed or an acceleration] of the individual's limb, is provided, and [that] said evaluating unit [(4)] comprises a correcting unit for correcting the pressure signal in response to the detected motion, in particular the speed or acceleration.

10. (Amended) The blood pressure measuring device as claimed in claim [7]9, [characterized in that]wherein said motion sensing unit comprises [the] an inclination sensor [(5)] and a differentiating unit connected thereto.

11. (Amended) The blood pressure measuring device as claimed in claim [5 to] 8, [characterized in that]wherein the orientation sensing unit [(5)] and the pressure sensor [(2)] are connected to the evaluating unit [(4)] via a timing unit [(6)].

12. (Amended) The blood pressure measuring device as claimed in claim [5 to] 9, [characterized in that]wherein a storage unit [(7)] is provided for the storage of reference data.

13. (Amended) The blood pressure measuring device as claimed in claim [5 to] 10, [characterized in that]wherein the application unit [(1)] for applying the pressure sensor [(2)] is constructed to fit an individual's wrist.

14. (Amended) The blood pressure measuring device as claimed in claim [5 to] 11, [characterized in that]further comprising a display device [is provided] providing a readout, [in particular] in the form of two arrows pointing in opposite directions, of a correct and/or incorrect angular range or a movement of the blood

pressure measuring device and/or a prompt for correcting the measurement position.

15. (Amended) The blood pressure measuring device as claimed in claim [5 to] 12, [characterized in that it comprises]<u>further comprising</u> a measurement value storage or a device for determining the validity of the measurement results, [hence] enabling a readout of improper measurement conditions to be provided in response to the measurement position, the measurement inclination angle, or any movement taking place during the measurement cycle.